

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT**

Agenda Item: _____

CASE NUMBER: ZTA 15-003 CC **L.U.C.B. MEETING:** Sept. 10, 2015

APPLICANT: **Memphis and Shelby County Office of Planning and Development**

REPRESENTATIVE: **Josh Whitehead, Planning Director**

REQUEST: **Adopt amendments to the Uptown Special Purpose District section of the Memphis and Shelby County Unified Development Code**

This amendment to the Unified Development Code (the “UDC”) is in response to a resolution sponsored by Councilman Berlin Boyd and approved by the Memphis City Council on July 7, 2015 (see Exhibit A, attached). This amendment will make certain changes to the zoning regulations of Uptown, the area of town north of downtown.

Under current rules, pawn shops and convenience stores are permitted by right and gas stations are permitted by Special Use Permit in Uptown’s commercial zoning district, the Mixed Use (“MU”) district. Under this proposal, all three would be prohibited.

In addition to the prohibition of any additional convenience stores, gas stations and pawn shops, this proposal would also prohibit planned developments within Uptown. The purpose of the prohibition on planned developments is to limit the ability of a property owner from seeking to establish new convenience stores, gas stations, pawn shops and any other prohibited uses in Uptown. This is similar to the treatment of planned developments in the Medical Overlay District (see Sub-Section 8.2.2D of the Unified Development Code).

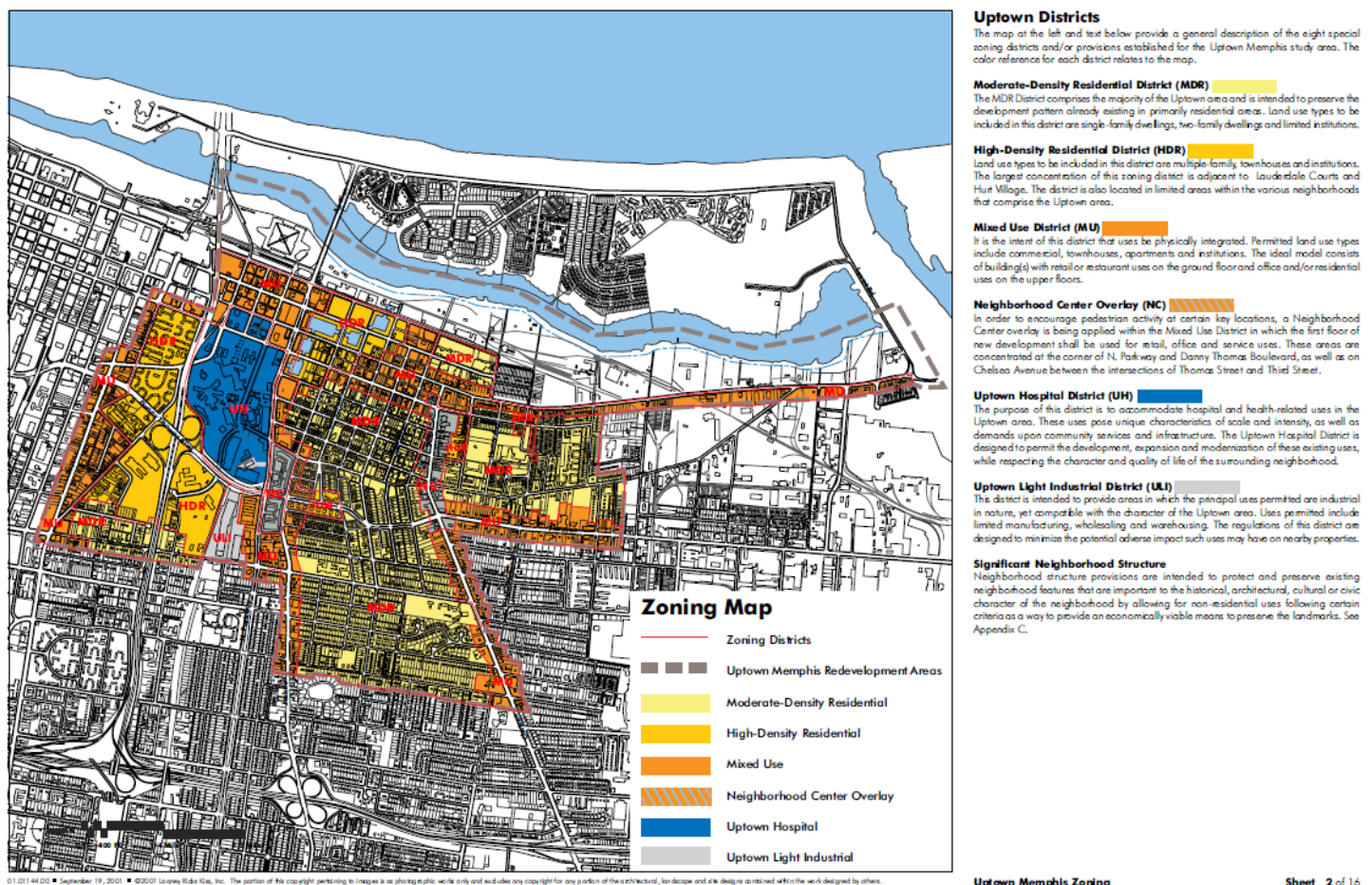
Finally, this amendment will change the definition of convenience stores since the current definition could be broadly construed to encompass grocery stores, general stores and other general merchandising establishments.

This zoning text amendment is in keeping with both the original Uptown Zoning Regulations, approved by the Land Use Control Board and the Memphis City Council in 2001, but also the Community Redevelopment Plan for Uptown, approved by the Memphis and Shelby County Community Redevelopment Agency Board of Commissioners, Memphis City Council and Shelby County Board of Commissioners in 2001.

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:
Approval

This item is being presented to the Land Use Control Board, and eventually the Memphis City Council and Shelby County Board of Commissioners, for its consideration as a zoning text amendment to the Memphis and Shelby County Unified Development Code as a result of a resolution sponsored by Councilman Berlin Boyd and approved by the Memphis City Council on July 7, 2015 (see Exhibit A). That resolution placed a 120-day moratorium on the issuance of building permits in the Pinch District (see Exhibit B for a map of the Pinch District affected by this resolution). The proposal of this zoning text amendment is to change the list of permitted uses in the zoning district that predominates the Pinch District, the Mixed Use ("MU") zoning district.

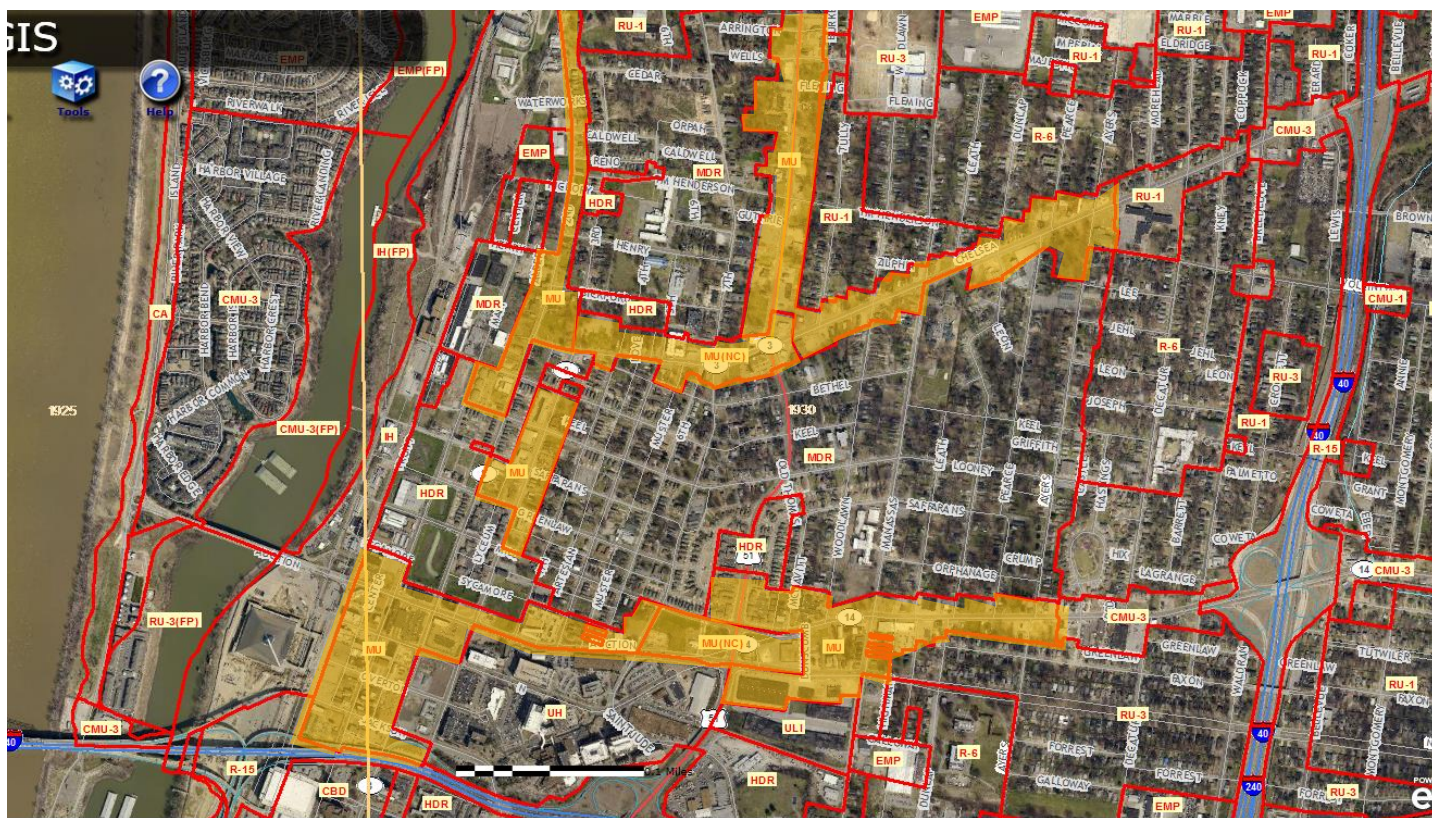
Chapter 7.3 of the Unified Development Code contains the zoning regulations for the Uptown Special Purpose District, which lies to the north of downtown Memphis. This section of the Code was adopted by the Memphis City Council as Ordinance Number 4902 when it approved the Uptown Zoning Regulations on October 16, 2001. These Zoning Regulations, which were processed as OPD Case. No. ZTA 01-004, added zoning districts and development rules for Uptown into the Official Zoning Code and Zoning Map. The Zoning Regulations were adopted in tandem with the Community Redevelopment Plan for Uptown, which was formally approved by the Memphis City Council and the Shelby County Board of Commissioners in 2001, after approval of the Memphis and Shelby County Community Redevelopment Agency Board of Commissioners. The Redevelopment Plan established a finding of slum and blight in the area, the need for a Tax Increment Finding, or TIF, district in the area and how TIF proceeds would be spend. Exhibits C and D, attached at the end of this staff report, show the various planning and demonstration areas that were to receive TIF funding.



The page above is found at the beginning of the Uptown Zoning Regulations; the map on the left outlines the extent of the individual zoning districts that were created. North is to the right; Mud Island and Harbor Town are at the top of the map. The descriptions on the right of this page discuss the intent of each zoning district.

Generally, Uptown is anchored with St. Jude in the middle (shown within the blue, Uptown Hospital zoning district), which is surrounded by the Mixed Use (“MU”) zoning district. The MU district allows both residential and commercial uses. The northern section of Uptown is largely zoned residential, either in the Medium-Density Residential (“MDR”) or High-Density Residential (“HDR”) zoning districts.

The map below is an excerpt from the Official Zoning Map; it shows, in yellow, the extent of the MU zoning district. Not only does it exist in the Pinch District in the lower left corner of the map, but it also stretches along North Second Chelsea and AW Willis/Jackson. The primary objective of this zoning text amendment is to prohibit convenience stores, gas stations and pawn shops in not only the Pinch District, but also all areas within the MY zoning district. Prohibiting planned developments throughout Uptown would prevent these uses from being permitting in Uptown through that process. This is similar to the prohibition of planned developments in the Medical Overlay District. There have been very few planned developments within the Uptown Special Purpose District since its adoption in 2011 (see Exhibit E).



If any existing convenience store, gas station or pawn shop needs modification or expansion, they will need to file with the Board of Adjustment to do so. Since existing gas stations in the MU district require a Special Use Permit under the UDC’s current language, they would not be affected to any large degree by this proposal. Pawn shops and convenience stores, on the other hand, are permitted by right today, so this proposal would adversely affect them, but only if they seek to expand. There are currently six convenience stores, three gas stations and no pawn shops in the MU district. They are listed in Exhibit F. Of the six existing convenience stores, all are in nonconforming structures, so any expansion would require Board of Adjustment action under today’s regulations.

Zoning Text Amendments

(new language indicated in **bold, underline**; deletions indicated in ~~strikethrough~~).

The sections of the UDC cited below would be amended as part of this zoning text amendment.

1. Section 7.3.11, Use Table for Uptown

This section of the Uptown Special Purpose District Regulations regulation which uses are permitted in which zoning district. The amendment below would remove convenience stores and pawn shops as uses by right in the MU zoning district and remove gas stations from being permitted by issuance of a Special Use Permit.

7.3.11

USES PERMITTED	MU
COMMERCIAL	
Gasoline sales and Motor Vehicle Service and Repair	S
<u>Convenience Store</u>	X
Pawn Shop	X

X=use by right; S=use by Special Use Permit

2. Sub-Section 7.2.9N (new section), Planned Developments in Uptown

The addition of this new section would prohibit planned developments in Uptown. It essentially mirrors the existing language of Sub-Section 8.2.2D, which prohibits planned developments in the Medical Overlay District.

7.2.9N [new section]

Planned Developments

No Planned Developments (Section 4.10) shall be allowed within the Uptown Special Purpose District.

3. Section 12.3.1, Definition of "Convenience Store"

The current definition of convenience store could be construed to include grocery stores, general stores and general merchandising establishments.

12.3.1

CONVENIENCE STORE: Any building or structure, **or portion thereof,** that is **5000 square feet in size or less and** primarily designed and stocked to sell a limited selection of perishable and non-perishable items and which may be opened long hours for the convenience of shoppers. Vehicular fuel sales may be an accessory use to a convenience store.

Exhibit A: City Council Building Permit Moratorium Resolution

Memphis City Council Resolution

WHEREAS, the recent opening of the Bass Pro Shops at the Pyramid is a welcome addition to an area desperately in need of a reboot and the store's ability to draw tourist and visitors to our city is the stimulus that could revive the Pinch District.

WHEREAS, while the Pinch District has languished largely due to the Pyramid's closure, there is confidence that the area's reemergence as a retail and hospitality center with the Bass Pro Shops as an anchor and stabilizing neighbor is possible.

WHEREAS, the time is upon us to capitalize on the excitement and synergy created with the opening of the Bass Pro Shops and to develop a vision for a reinvented Pinch District that includes redevelopment and expansion opportunities.

WHEREAS, a moratorium should be imposed to temporarily halt the issuance of building permits to give community stakeholders an opportunity to discuss Pinch District future redevelopment opportunities and how to create a better and improved Pinch.

NOW, THEREFORE BE IT RESOLVED THAT THE MEMPHIS CITY COUNCIL does impose a 120-day moratorium on the issuance of building permits for properties located in and surrounding the Pinch District, excluding St. Jude and its properties (see map).

Adopted: July 7, 2015

Berlin Boyd, Councilman

I hereby certify that the foregoing is a true copy
and document was adopted, approved by the
Council of the City of Memphis in regular
session on

Date JUL 07 2015

Valerie C. Stripes
Deputy Comptroller-Council Records

OPD

33 Revised

Exhibit B: Map of Area Affected by Building Permit Moratorium Resolution

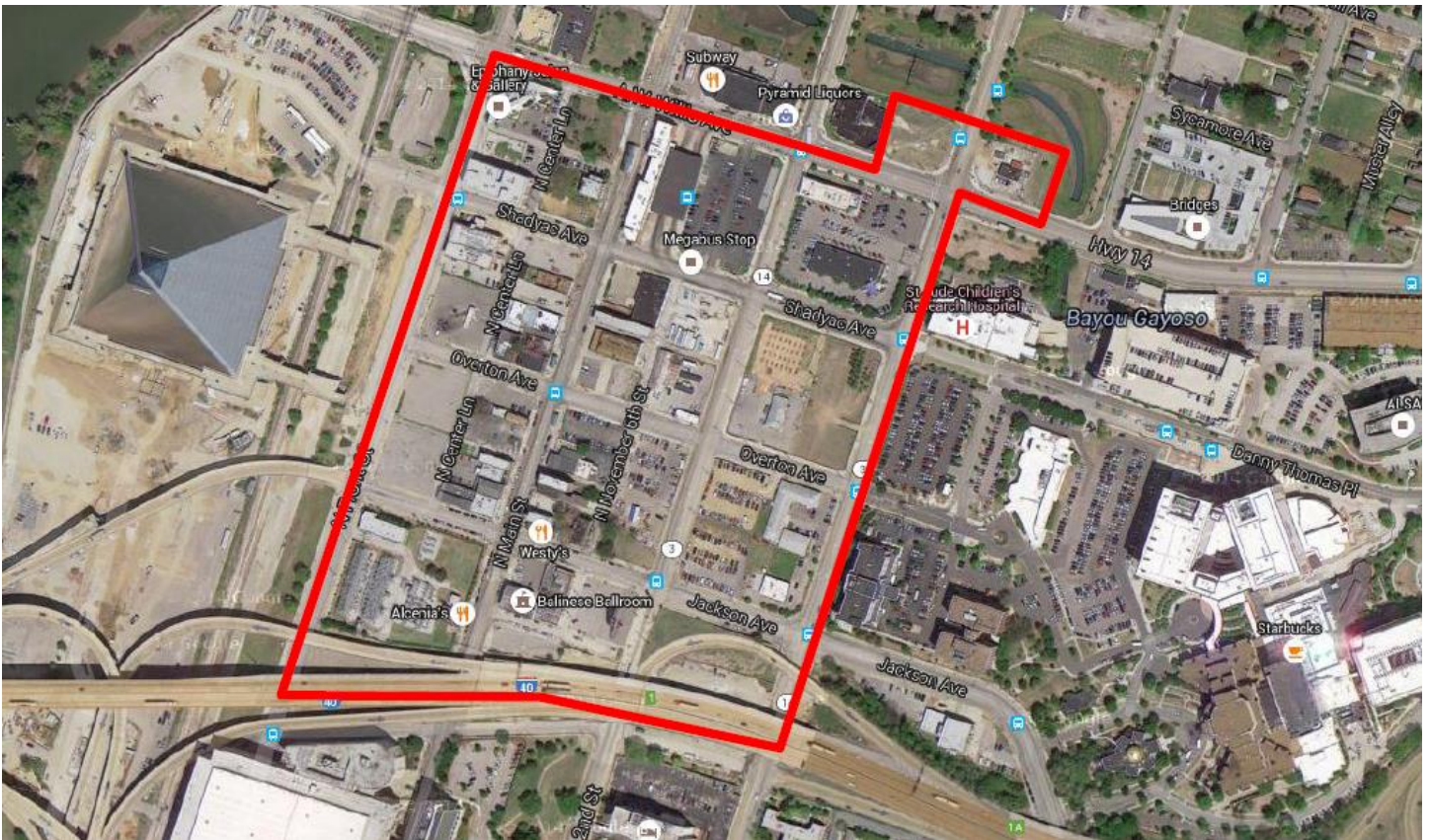
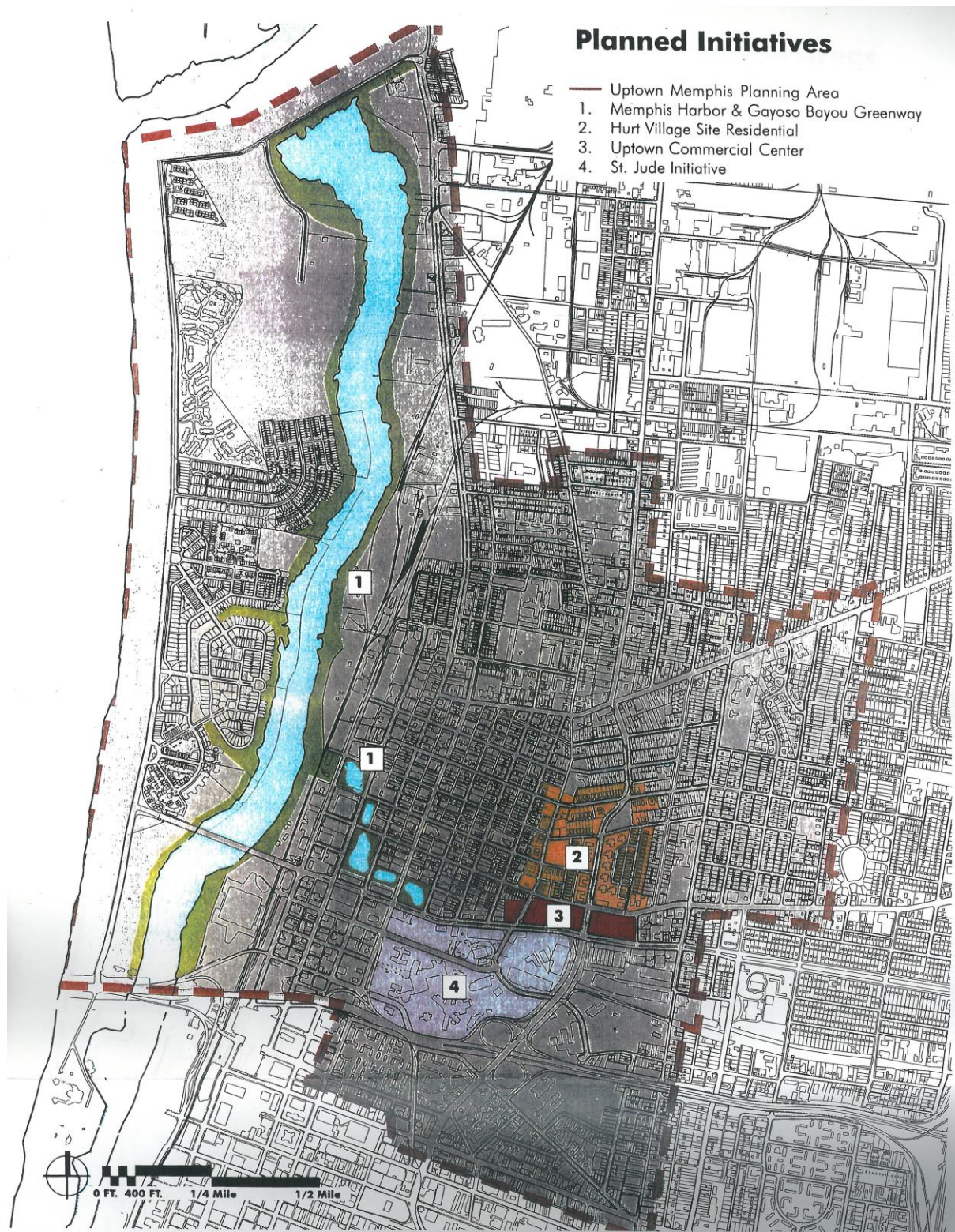


Exhibit C: Map from Community Redevelopment Plan for Uptown showing Planning Initiatives



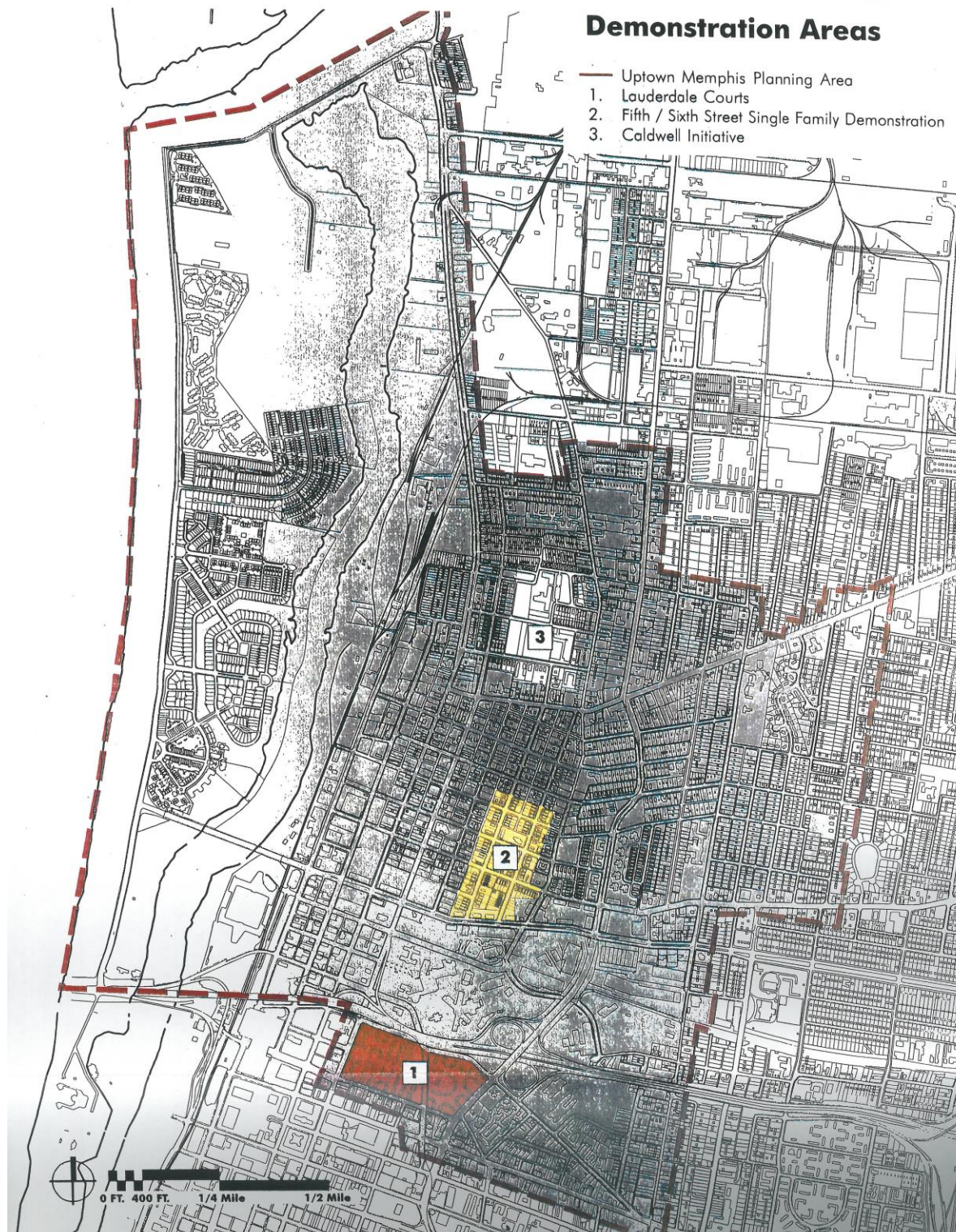
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Exhibit D: Map from Community Redevelopment Plan for Uptown showing Demonstration Areas



Uptown Memphis

Memphis and Shelby County Division of Planning & Development
Memphis Housing Authority

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This is an excerpt from the Official Zoning Map for Memphis and Shelby County. Planned developments are indicated with cyan borders.

Exhibit F: List of Convenience Stores, Gas Stations and Pawn Shops in the MU Zoning District

Convenience Stores open as of August 10, 2015

1. Quick and Easy Grill, northeast corner of AW Willis and Third
2. Inner Market, southeast corner of Jackson and Ayers
3. Convenience for Less, southeast corner of Fifth and Chelsea
4. Dan's Grocery, northwest corner of Seventh and Chelsea
5. In and Out Grocery, northwest corner of Chelsea and Pearce
6. Roxie's, southeast corner of Third and Mill

Gas Stations open as of August 10, 2015

1. Shell Station, northeast corner of AW Willis and Main
2. BP Station, northeast corner of Chelsea and Thomas
3. Exxon Station, southeast corner of Chelsea and Thomas

Pawn Shops open as of August 10, 2015

None